

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JEREMIAH McCALL,

Plaintiff,

v.

CREDIT CONTROL LLC,

Defendants.

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Civil Action No. **3:24-CV-2442-L-BW**

ORDER

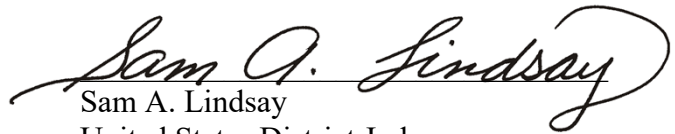
On October 2, 2024, the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 6) was entered, recommending that the court **deny** Jeremiah McCall’s (“Plaintiff” or “Mr. McCall”) Motion for Leave to Proceed *In Forma Pauperis* (“Application”) (Doc. 4) and **dismiss without prejudice** this action unless he pays the \$405 filing fee by November 1, 2024, or by some other deadline established by the court. Mr. McCall has not filed any objections to the Report, and the time to do so has passed.

The magistrate judge recommends that Plaintiff’s Application be denied because he has not established that he qualifies as a pauper under 28 U.S.C. § 1915(a). The magistrate judge determined that his yearly income of \$48,000 exceeds the poverty threshold for a household of two. Report 3. In his Application, Plaintiff states that his average monthly income is \$4,000. Doc. 4. He estimates his monthly expenses total \$3,630; however, after reviewing the details provided in his Application—which includes \$1,900 for rent/mortgage, \$250 for utilities, \$600 for food, \$100 for clothing, \$100 for laundry and dry-cleaning, \$200 for transportation, \$100 for recreation, \$130 for car insurance, \$400 for his car payment, and \$50 for credit card payments—the court calculates his actual expenses to be \$3,830. Doc 4.

The magistrate judge determined that some of the monthly expenses listed in the Application appeared to be discretionary and that he provided no further explanation for the magistrate judge to determine the necessity of the expense. *Id.* at 3 (citation omitted). Because Plaintiff appears to earn more than his monthly expenses, the magistrate judge determined, based on the Application, that he is not a pauper. The court agrees with the Report; however, based on the estimates provided by Mr. McCall, the court determines there could be some difficulty for him to pay the filing fee by the suggested date or in one lump sum.

Having considered Plaintiff's pleadings, the file, the record in this case, and the Report, the court determines that the findings and conclusions of the magistrate judge are correct and **accepts** them as those of the court as it relates to its findings; however, the court will allow Plaintiff to pay the \$405 filing fee in installments. Accordingly, the court **denies** Mr. McCall's Application and orders him to pay the \$405 filing fee in installments. The first payment of \$100 shall be due on **November 13, 2024**. The court does not set a specific amount for each installment to pay off the remaining \$305; however, the final installment must be sufficient such that nothing remains to be paid after **April 24, 2025**. Failure to do so will result in this action being dismissed without prejudice.

It is so ordered this 24th day of October, 2024.


Sam A. Lindsay
United States District Judge